

Amendment under 37 CFR § 1.111

Art Unit 3738

Michel L.P.M. Verhoeven

Application No. 09/721,881

### Remarks

This paper is submitted in order to correct the noted non-compliant amendment. Applicants regret this error and trust now all is properly presented.

For clarity and simplicity, Applicants will reiterate their prior remarks to the office action mailed August 5, 2003.

Claims 1, 2 and 4-7 are pending in the Application. None of the claims have been amended and none of the claims have been canceled. As such, Claims 1, 2 and 4-7 are currently pending.

Referring to Paragraph 2 of the Office Action, the Examiner objected to the disclosure because of informalities. Applicants regret the presence of such informalities. It appears they were created from a printer not having the appropriate driver loaded so as to express the sigma, ( $\sigma$ ), as used in the specification. Sigma ( $\sigma$ ) is a well-known Greek letter used to express in a shorthand fashion standard deviation. Given that sigma ( $\sigma$ ) is such a well-known method of providing the identification of standard deviation, Applicants submit this Amendment does not add new matter.

In response to Paragraphs 3-4 of the Office Action, the Examiner rejected Claims 1-2 and 4-8 under §103 as unpatentable over Whitourne. Applicants traverse this rejection and provide the following arguments. The present invention comprises a radially expandable stent having a substantially uniform hydrogel coating thereon, the thickness of the coating having a relative standard deviation of not greater than about 10%. Whitourne, in contrast, merely discloses the use of a hydrogel coating which may be thin, on the order of 1-100 microns and preferably less than about 50 microns. No disclosure nor even suggestion is provided in such reference, however, that the coating would have a relative standard deviation of no greater than about 10%. There is no guarantee that merely because a coating is said to be thin and continuous that it would also have a relative standard deviation of not greater than 10%. As such Applicants traverse the Examiner's rejection and submit the Claims as submitted are allowable.

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The Examiner is encouraged to call the undersigned to clean up any issues that may speed passage of the case to issuance.

Dated this 16<sup>th</sup> day of February 2004.

Respectfully submitted,



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